

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, December 3, 1942

The City Council convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building, on Thursday, December 3, 1942, at 10:30 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; absent, Councilman Wolf.

There were present also: Walter E. Seaholm, Acting City Manager; Gibson R. Randle, Acting City Attorney; and R. D. Thorp, Chief of Police.

The Minutes of the recessed meeting of November 23, 1942, and the regular meeting of November 25, 1942, were read, and upon motion of Councilman Alford, were adopted as read, by the following vote:

"ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The appeal of Carl R. Bounds, by Ayres K. Ross, Attorney, on his application for a taxicab driver's permit, which had been recommended for denial by the Acting City Manager, et al., was again heard. After a consideration of the facts in the case, it was then moved by Councilman Alford that a probationary taxicab driver's permit for thirty days be granted to the said Carl R. Bounds, with the stipulation that he report to the Chief of Police at the expiration of that period for an examination of his record. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

Dr. E. H. Givens, representing the Austin Negro Defense Recreation Council, came before the Council and asked that the building formerly occupied by the Red and White Store in the 700 block on East 7th Street be secured for a downtown center for said organization. The matter was referred to the Acting City Manager, with instructions to find out if said building can be used for this purpose, and what the rental on same will be.

Mesdames Todd and Dearing presented a written invitation from the Cumberland Presbyterian Church, inviting the Mayor and Council to their Christmas Carol Service on December 20, which was received and the thanks of the Council expressed.

It was moved by Councilman Alford that the action of the City Council, of date September 19, 1940, recorded in Minute Book No. 18, page 529, fixing the maximum number of taxicabs for operation at eighty-five (85), be rescinded. The motion was seconded by Councilman Gillis, and the same prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The application of Charles W. Barrett, 300 Congress Avenue, for a license to operate as a taxicab a 4-door Dodge Sedan, 1941 Model, Motor No. D19-89977, State License No. K-98860, duly approved by the Acting City Manager, et al., was submitted. Councilman Bartholomew moved that the application be granted. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The application of Charles W. Barrett, 300 Congress Avenue, for a taxicab driver's permit, duly approved by the Acting City Manager, et al., was submitted. Councilman Bartholomew moved that the application be granted. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The application of Lester Warren Walker, 1709 East 12th Street, for a license to operate as a taxicab a Chevrolet Coach, 1935 Model, Motor No. 5003478, State License N18-037, duly approved by the Acting City Manager, et al., was submitted. Councilman Alford moved that the application be granted. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The application of Alfred Toliver, colored, 1709 East 12th Street, for a license to operate as a

taxicab a 1938 Model Packard, Motor No. 11942146, State License No. 17-759, duly approved by the Acting City Manager, et al., was submitted. Councilman Alford moved that the application be granted. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The application of Ora Atlas Summers, 2005 Bergman Street, for a taxicab driver's permit, duly approved by the Acting City Manager, et al., was submitted. Councilman Alford moved that the application be approved. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The application of Miles Scott Townsley, 2300 West 8th Street, for a taxicab driver's permit, duly approved by the Acting City Manager, et al., was submitted. Councilman Alford moved that the application be approved. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The application of Kenneth Morris McCain, 46 East Avenue, for a taxicab driver's permit, duly approved by the Acting City Manager, et al., was submitted. Councilman Alford moved that the application be approved. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The application of John T. Shackles, colored, 1709 East 12th Street, for a taxicab driver's permit, duly approved by the Acting City Manager, et al., was submitted. Councilman Alford moved that the application be approved. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The application of Raymond Aubra Carter, 1708 Riverview Street, for a taxicab driver's permit, duly approved by the Acting City Manager, et al., was submitted. Councilman Alford moved that the application be granted. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The application of Calvin Hendrix Lynch, Route 2, Box 437-B, for a taxicab driver's permit, duly approved by the Acting City Manager, et al., was submitted. Councilman Alford moved that the application be granted. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

It was the sense of the meeting that the parking meters be kept in operation for the present, time being the factor that will determine the question of their removal for the duration of the war.

Councilman Alford offered the following resolution:

(RESOLUTION)

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be, and the same is hereby, permitted to lay and construct its gas mains in and upon the following streets:

A gas main in FLORES STREET from a point 163 feet west of Waller Street easterly 15 feet, the centerline of which gas main shall be 6 $\frac{1}{2}$ feet south of, and parallel to, the north property line of said Flores Street.

Said gas main described above shall have a covering of not less than 2 $\frac{1}{2}$ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company

is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

Upon motion of Councilman Alford, the foregoing resolution was adopted by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

Councilman Gillis introduced the following ordinance:

AN ORDINANCE REQUIRING RAT-PROOFING OF BUSINESS AND COMMERCIAL BUILDINGS, MAKING IT UNLAWFUL FOR OWNERS OR OCCUPANTS TO FAIL OR REFUSE TO COMPLY WITH SUCH REQUIREMENTS, AUTHORIZING THE CITY HEALTH OFFICER TO INSPECT PREMISES, PROVIDING PENALTIES FOR VIOLATION; PROVIDING A SAVING CLAUSE; AND DECLARING AN EMERGENCY.

The Ordinance was read the first time, and upon motion of Councilman Gillis, seconded by Councilman Alford, the rules were suspended and the Ordinance was passed to its second reading by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The Ordinance was then read the second time, and upon motion of Councilman Gillis, seconded by Councilman Alford, the rules were further suspended and the Ordinance was passed to its third reading by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The Ordinance was then read the third time, and upon motion of Councilman Gillis, seconded by Councilman Alford, the Ordinance was finally passed by the following vote: "ayes," Councilman Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The Mayor then declared the Ordinance finally passed.

Councilman Gillis introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 1, 1937, RECORDED AT BOOK "K", PAGES 201-215, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BEING AN ORDINANCE REGULATING THE SALE OF MILK AND MILK PRODUCTS WITHIN THE CITY OF AUSTIN AND ITS POLICE JURISDICTION, BY ADDING A NEW SECTION THERETO, NUMBERED SECTION 23, REPEALING ALL PARTS OF THE ABOVE ORDINANCE AFFECTING OR REGULATING THE MANUFACTURE AND SALE OF ICE CREAM, FROZEN CUSTARD, MILK ICES, AND SHERBET; AND DECLARING AN EMERGENCY.

The Ordinance was read the first time, and upon motion of Councilman Gillis, seconded by Councilman Bartholomew, the rules were suspended and the Ordinance was passed to its second reading by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The Ordinance was then read the second time, and upon motion of Councilman Gillis, seconded by Councilman Bartholomew, the rules were further suspended and the Ordinance was passed to its third reading by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The Ordinance was then read the third time, and upon motion of Councilman Gillis, seconded by Councilman Bartholomew, the Ordinance was finally passed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The Mayor then declared the Ordinance finally passed.

The following application for a license to operate a private boat was submitted:

Name and Address of Applicant

Description of Boat

Barrow, Edward E. - 601 West 24th St.

Century, Run-about, 1940 Model,
Gray, 6-passenger

Councilman Bartholomew moved that the application be approved, subject to the approval of same by the Lake Austin Navigation Board. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

Councilman Bartholomew offered the following resolution:

WHEREAS, The General Budget of the City of Austin, Texas, for the year 1943 has been prepared by the Acting City Manager, and was filed in tentative form with the City Clerk of the City of Austin on November 23, 1942, for public inspection; and

WHEREAS, The law requires that the City Council shall provide for a public hearing on such budget, which hearing shall take place on some date to be fixed by the City Council not less than fifteen days subsequent to the time such budget is filed; and that public notice shall be given that on the date of hearing, the budget prepared by the City Manager will be considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT a public hearing on said General Budget of the City of Austin for the year 1943 will be held in the Municipal Building in the City of Austin, situated at the corner of Eighth and Colorado Streets in the City of Austin, at 11 o'clock A. M. on the 23rd day of December, 1942, and that notice of such hearing be published not less than ten days before the date set for such hearing.

Upon motion of Councilman Bartholomew, the foregoing resolution was adopted by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

It was the sense of the meeting that December 24 being Christmas Eve, the regular meeting falling on that day be held on Wednesday, December 23.

Upon motion, seconded and carried, the meeting was recessed at 11:55 A. M., subject to call of the Mayor.

APPROVED

Tom Miller
MAYOR

ATTEST:

William Miller
CITY CLERK